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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,225	11/25/2003	James Stewart McCormick	ALC 3099	4351
7590		06/19/2008	EXAMINER	
KRAMER & AMADO, P.C.			NGUYEN, QUYNH H	
Suite 240			ART UNIT	PAPER NUMBER
1725 Duke Street			2614	
Alexandria, VA 22314				
			MAIL DATE	DELIVERY MODE
			06/19/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,225	<b>Applicant(s)</b> MCCORMICK ET AL.
	<b>Examiner</b> QUYNH H. NGUYEN	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on *Appeal Brief filed 4/3/08*.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 4/3/08 PROSECUTION IS HEREBY REOPENED. Non-Final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Objections***

3. Claims 9 and 12 are objected to because of the following informalities: the abbreviation of CRC should be spelled out at least at the first time being used the claim. For example, Cyclic Redundancy Check (CRC). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 5-8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al. (US Patent 6,208,627) in view of Boehmke et al. (U.S. Patent 6,788,933).

As to claim 1, Menon et al. teaches a method for recording call failure information in a data transmission system (col. 41, lines 30-32) comprising:

generating a failure log in response to a failure event, the failure log including a failure type (col. 41, line 60 through col. 42, line 37) and timestamp (col. 41, lines 32-37  
- *where Menon discussed the wireless access communication unit sends alarm message using Control Traffic Transport message, the alarm message / failure log including timestamp*);

formulating an identifier for the failure indicating the failure type (col. 41, line 60 through col. 42, line 10 - *where Menon discussed formulating a log number for a failure log for the type of failure that has occurred, for example, communications failure, processing failure, equipment failure, radio unit failure, line card failure, etc*); and

creating a log record for said failure log (col. 41, lines 30-37; col. 41, line 60 through col. 42, line 11) and storing said log record in a log record storage (col. 42, lines 10-11 - *where Moen discussed logged alarm message / information used for later debugging, hence the log alarm message / record stored in some storage in order for later retrieval*).

Menon et al. does not explicitly teach formulating an identifier for the failure based on the failure type and placing call records in a queue in the order in which it was time stamped.

Boehmke et al. teaches placing call records in a queue in the order in which it was time stamped (col. 31, lines 26-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the time stamp feature of Boehmke into the system of Menon for the purpose of having a more efficient system that keeps track of reports and the occurrence (time stamp) of the events. The use of time stamp is also old and the advantages of using such are old and well known. Knowing the time at which a failure in Menon has occurred is definitely advantageous for obvious reasons.

However, both Menon and Boehmke do not explicitly teach formulating an identifier for the failure based on the failure type. This is simply categorizing the failures in Menon into different types. It is simply a step to further organize or categorize existing data about failures in Menon. This does not rise to the level of patentability as it is old and well known that once data is collected, configuring, manipulating the data or placing the data (e.g., data about failures) in different

categories based, for example, on the type of failure would simply offer the user the ability to analyze and identify types of failures and to respond accordingly. This may obviously help in sorting out the types of failures for isolating the cause of the fault, which in turn tremendously help in identifying areas of failure and fixing the failure/problem. For example, if most of the failures are from a first type and the remaining failures are from different sporadic types, the user will attempt to the first type in a more expeditious manner.

As to claim 5, Menon et al. teaches formulating an identifier comprises processing selected fields in the failure log (col. 42, lines 3-11).

As to claims 6-8, Menon et al. teaches the selected fields include and failure reason field, a failure point field, a calling party identification field, a called party identification field and a proprietary failure reason field (col. 41, line 60 through col. 42, line 37).

Claim 15 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Boehmke et al. teaches a log queue (col. 31, lines 26-33).

5. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al. (US Patent 6,208,627) in view of Boehmke et al. (U.S. Patent 6,788,933) and further in view of Bentley (US Patent 7,165,076).

As to claim 9, Menon and Boehmke do not explicitly teach applying Cyclic Redundancy Check CRC-type checksum function over selected fields.

Bently teaches applying CRC-type checksum function of message or group of data (col. 5, lines 10-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bently into the teachings of Menon and Boehmke for the purpose of having a more efficient and better system and providing error detection in data communications.

6. Claims 2-4, 10-11, 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al. (US Patent 6,208,627) in view of Boehmke et al. (U.S. Patent 6,788,933) and further in view of Liu et al. (US Patent 6,170,067).

As to claims 2, 11, and 14, Menon teaches selecting a plurality of functions for each failure (col. 41, line 60 through col. 42, line 37). Menon and Boehmke do not explicitly teach a log record comprises a timestamp field for storing the timestamp and a count field for storing a count indication the number of n fields in the records generated by the failure event.

Liu et al. teaches a log record comprises a timestamp field for storing the timestamp (col. 5, lines 36-43) and a count field for storing a count indication the number of log records generated by the failure event (col. 2, lines 63-65; col. 3, lines 1-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Liu into the teachings of Menon and Boehmke for the purpose of having a more efficient system and promptly report system

failures problem, and the occurrence of the events. Again, to further analyze and to further categorize existing data is nothing more obvious manipulation of existing data to assist the user in readily analyzing data. These further steps do not rise to the level of patentability for one may take the further analysis or further organizing of existing data to the  $n^{\text{th}}$  degree without the need for ingenuity and without departing from the teachings of the prior art.

Claim 3 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Liu et al. teaches updating the log record and the log record storage to document the current timestamp (col. 14, lines 35-39).

As to claims 4 and 10, Liu et al. teaches incrementing the count to indicate the current number of failure logs with the identifier that have updated the log record (col. 5, line 63 through col. 6, line 5).

As to claim 16, Liu et al. teaches updating the log record in the log record storage (col. 14, lines 35-39).

Claims 17-18 are rejected for the same reasons as discussed above with respect to claim 3. However, Menon, Boehmke and Liu do not teach a filter is configurable for selecting a number of fields in the failure log. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a configurable filter in any logs is well known and the advantage of using this filter is also well known. For example, filtering out certain important fields in the log for statistical purposes.

Claim 19 is rejected for the same reasons as discussed above with respect to claims 15 and 17.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon and Boehmke in view of Liu and further in view of Bentley (US Patent 7,165,076).

Claim 12 is rejected for the same reasons as discussed above with respect to claim 9.

As to claim 13, Bentley teaches selecting the fields with a configurable filter (col. 8 lines 21-36).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vinson (US 6,594,345) teaches targeted disaster warning system and apparatus where a unique numeric code is assigned to each type of emergency.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-

272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh Nguyen/

Primary Examiner, Art Unit 2614

/Ahmad F. MATAR/

Supervisory Patent Examiner, Art Unit 2614